

AMENDED IN ASSEMBLY JUNE 23, 2005

AMENDED IN SENATE MAY 27, 2005

AMENDED IN SENATE MAY 3, 2005

AMENDED IN SENATE APRIL 6, 2005

SENATE BILL

No. 429

Introduced by Senator Florez

February 17, 2005

An act to add Article 1.5 (commencing with Section 115860) to Chapter 5 of Part 10 of Division 104 of the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

SB 429, as amended, Florez. Recreational bathing: sanitation.

Existing law provides that it is the policy of the state that multiple use should be made of all public water within the state, to the extent that multiple use is consistent with public health and safety. Existing law requires that all water supply reservoirs of a public agency shall be open for recreational use by the people of the state, subject to the regulations of the State Department of Health Services. Existing law prohibits recreational uses involving bodily contact with water by any participant, with respect to a reservoir in which water is stored for domestic use, except under specified circumstances.

This bill would require the department, by March 1, 2006, to convene a public advisory group to advise the department on the development of minimum standards for sanitation of high-use or priority freshwater bathing areas, as defined. The bill would require the department, by December 31, 2008, to propose to the Legislature

minimum sanitation standards for the recreational use of the public freshwater bathing areas.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Article 1.5 (commencing with Section 115860)
2 is added to Chapter 5 of Part 10 of Division 104 of the Health
3 and Safety Code, to read:

4
5 Article 1.5. Public Freshwater Bathing Areas
6

7 115860. (a) By March 1, 2006, the department shall convene
8 a public advisory group consisting of representatives of local
9 health officers or environmental health directors, water agencies,
10 state and local recreation providers, recreation user groups,
11 recreation-oriented businesses, and public interest groups, to
12 advise the department on the development of minimum standards
13 for sanitation of high-use or priority freshwater bathing areas and
14 to make recommendations regarding development of the
15 ~~regulations~~ standards required by subdivision (b).

16 (b) By December 31, 2008, the department shall, taking into
17 consideration the recommendations of the public advisory group,
18 propose minimum standards for the sanitation of public
19 freshwater bathing areas, as the department determines are
20 reasonably necessary for the protection of the public health and
21 safety. The department shall forward the proposed standards to
22 the chairs of the appropriate fiscal and policy committees of the
23 Legislature.

24 (c) For purposes of this article, a “public freshwater bathing
25 area” means a public recreation area located on a freshwater,
26 brackish, or estuarine body of water at which a federal, state, or
27 local agency maintains recreational facilities for public use, and
28 at which bodily contact recreation is not prohibited. For the
29 purposes of this article, “public freshwater bathing area” does not
30 include a public recreation area within the jurisdiction of the San
31 Francisco Bay Conservation and Development Commission.

32 (d) For purposes of this article, a “high-use or priority public
33 freshwater bathing area” means a public freshwater bathing area

1 that meets any of the following conditions, as determined and
2 posted by the local health officer or environmental health director
3 or the department:

4 (1) Meets or exceeds ~~high-use density criteria established in~~
5 ~~regulations and priority bathing densities established in~~
6 ~~standards~~ adopted by the department pursuant to this section.

7 (2) Is listed as an impaired water body pursuant to 33 U.S.C.
8 Sec. 1313(d)(1)(A) in the federal Clean Water Act, as a result of
9 bacterial contamination and consequent nonattainment of the
10 recreational beneficial use.

11 (3) Is determined by the local health officer or environmental
12 health director, or by the department, to pose a potential health
13 risk to a significant number of people.

14 (e) At a minimum, the proposed standards shall do all of the
15 following:

16 (1) Require the testing of the waters in all high-use or priority
17 public freshwater bathing areas for microbiological contaminants
18 established pursuant to subparagraph (3), which may include
19 total coliform, fecal coliform, and enterococci bacteria. Testing
20 shall be conducted on at least a weekly basis, from April 1 to
21 October 31, inclusive, of each year, beginning in 2009.

22 (2) Establish criteria for determining high-use and priority
23 bathing densities.

24 (3) Establish protective minimum standards for
25 microbiological indicators that the department determines are
26 appropriate for testing pursuant to paragraph (1). In establishing
27 these standards, the department shall consult with the State Water
28 Resources Control Board to avoid inconsistency with water
29 quality control plans and shall also consider the United States
30 Environmental Protection Agency ambient water quality criteria
31 for bacteria.

32 (4) Establish protocols for both of the following:

33 (A) Determining monitoring site locations and monitoring
34 frequency based on risks to public health.

35 (B) Making decisions regarding public notification of health
36 hazards, including, but not limited to, the posting, closing, and
37 reopening of public freshwater bathing areas.

38 (5) Provide that the monitoring frequency and locations
39 established pursuant to this subdivision may only be reduced or

- 1 altered in accordance with procedures established in the related
- 2 ~~regulations~~ *standards*.